

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	8:01CR261
)	
v.)	
)	
KERRY L. BAKER,)	ORDER
)	
Defendant.)	
_____)	

Before the court is defendant's Motion to Appoint Counsel. (Filing No. 179). After reviewing the submissions by all parties and considering the matter, without limitation, the following issues appear to have merit: (1) issues of competence of counsel concerning defense counsel's failure to file a motion for new trial; (2) errors with the indictment, including the possible issue of competency of counsel for failure to file a Bill of Particulars; and (3) the alleged violation of defendant's Sixth Amendment right to confront his accuser. Therefore, the court will grant the defendant's motion.

IT IS ORDERED:

1. That the Public Defender's Office is hereby appointed to represent the defendant's interests regarding defendant's Motion to Vacate Sentence and Conviction Pursuant to Title 28 U.S.C. § 2255 (Filing Nos. 180 and 202).

2. The defendant shall file a supplemental brief on or before August 31, 2006; the government is given 30 days after the filing of the defendant's brief to file its responsive brief.

DATED this 30th day of June, 2006.

BY THE COURT:

s/Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge